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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/631,993	07/30/2003	Michael R. Hatch	K35R1055RC1	2371

35219 7590 09/22/2008  
WESTERN DIGITAL TECHNOLOGIES, INC.  
ATTN: LESLEY NING  
20511 LAKE FOREST DR.  
E-118G  
LAKE FOREST, CA 92630

EXAMINER
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KAYRISH, MATTHEW

ART UNIT	PAPER NUMBER
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2627

MAIL DATE	DELIVERY MODE
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09/22/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/631,993	<b>Applicant(s)</b> HATCH ET AL.	
	<b>Examiner</b> MATTHEW G. KAYRISH	<b>Art Unit</b> 2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 6-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,2 and 6-24 is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                      |                                                                   |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____                                                          | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. Claims 1 and 19 have been amended. Claims 1, 2 and 6-24 remain pending.

### ***Terminal Disclaimer***

The terminal disclaimer filed on 2/13/06 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of application number 08/662,528, filed June 13, 1996, has been reviewed and is accepted. The terminal disclaimer has been recorded.

### ***Response to Arguments***

2. Applicant's arguments, filed 2/13/2006, with respect to the amendments to claim 1 have been considered and they are persuasive, therefore the previous rejection has been withdrawn.

Applicant contends that Fujitsu (JP Patent Number 60-167712) does not teach a magnetic head suspension formed of a single piece of material that includes a load point tongue extending into a shaped opening of a flexure section, a load point tongue being disposed substantially between said flexure beams and having a free end within said shaped opening, said load point tongue having a load supporting protrusion. The Examiner agrees, therefore, the rejection has been withdrawn.

Applicant further contends that Fujitsu's leaf spring is below the plane of the arm to the same extent as the projection which is press formed in the arm. The Examiner agrees, therefore the rejection has been withdrawn.

Applicant further contends that Fujitsu fails to teach wherein the slider is bonded to the transverse section that connects the two load beams, this is correct, therefore, the rejection has been withdrawn.

Applicant further contends that Fujitsu fails to show a single piece of material wherein the flexure beams and load point tongue lie substantially in the same plane. This is correct, therefore, the rejection has been withdrawn.

Applicant further contends that Fujitsu lacks a load supporting protrusion on said tongue portion and that the tongue portion does not extend from the load beam section into the shaped opening of the flexure section and is not disposed substantially between the flexure beams. This is correct, therefore, the rejection has been withdrawn.

Applicant argues that one of ordinary skill in the art at the time the invention was made would not have modified Fujitsu in the three manners disclosed in paragraph 3 on page 11 and continuing to paragraph 2 on page 12 of the arguments filed 2/13/2006. These arguments have been considered and they are persuasive, therefore the previous rejection has been withdrawn.

The terminal disclaimer filed 2/13/2006, with regard to the Double Patenting rejections has been accepted, therefore, these rejections have been withdrawn.

### ***Conclusion***

3. This application is in condition for allowance except for the following formal matters:

### ***Claim Objections***

4. Claims 14 and 17 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot have claims dependent upon it. See MPEP § 608.01(n). Accordingly, claims 14 and 17 have not been further treated on the merits.

5. Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 25 USPQ 74, 453 O.G. 213, (Comm'r Pat. 1935).

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

### **REASONS FOR ALLOWANCE**

6. Claims 1, 2 and 6-24 are allowed.

The following is an examiner's statement of reasons for allowance:

Claim 1 recites:

A single piece of material comprising:

A load point tongue extending from said narrowed end of said load beam section into said shaped opening such that said flexure beams and load point tongue lie

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substantially in the same plane, said load point tongue being disposed substantially between said flexure beams and having a free end within said shaped opening.

These limitations, in combination with the limitations of the other claim, are neither anticipated, nor rendered obvious by any prior art of record.

The closest reference, Imai et al (JP H6-28801), discloses a similar structure, however the detail about how the flexure is distinct from the load beam yet from a single piece of material is not clearly defined in Imai, therefore the claims of the present invention are patentable over the prior art.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MATTHEW G. KAYRISH whose telephone number is (571)272-4220. The examiner can normally be reached on 8am - 5pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrea Wellington can be reached on 571-272-4483. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>.

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Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Matthew G. Kayrish  
/M. G. K./  
Examiner, Art Unit 2627  
9/17/2008

/Andrea L Wellington/  
Supervisory Patent Examiner, Art  
Unit 2627